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09/560,676	04/27/2000	Ryan Burkhardt	MS1-501US	4400
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			VO, LILIAN	
			ART UNIT	PAPER NUMBER
			2127	

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Please find below and/or attached an Office communication concerning this application or proceeding.

DM.

# Office Action Summary

Application No.

09/560,676

Applicant(s)

BURKHARDT ET AL.

Examiner

Lilian Vo

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/23/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 37 and 39 - 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 49 is/are allowed.
- 6) ☒ Claim(s) 1 - 9, 11 - 37 and 39 - 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 49 are presented for examination. Newly added claim 49 has been considered.

#### *Claim Objections*

2. Claims 16, 25 and 33 are objected to because their formats are improper. They are claiming the computer-readable memories but depending on the method claims. The Office is not sure whether they are the independent claims, which claim the computer-readable memories or the dependent claims of the method claims.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26 – 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claim 26** recites the limitation "the one of the plurality of programs" in page 7, line 7. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 26 - 37 and 39 - 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilde et al. (US 6,066,182, hereinafter Wilde).

8. Regarding **claim 26**, Wilde teaches a method comprising:

accessing a record of user information describing a user, the record being available to a plurality of programs, the record including both information describing the user and data describing the user and data describing hardware preferences of the user (abstract, col. 6, line 63 – col. 7, line 9, col. 10, lines 34 - 49); and

customizing the plurality of programs based at least in part on the user information by integrating the information describing the user and the data describing hardware preferences of the user from the record into the plurality programs (col. 3, lines 41 – 64: OS program, configuration program, col. 4, lines 46 – 60: edits the generic answer file to create a user-specific updated answer file, col. 8, lines 20 – 52, col. 9, line 66 – col. 10, line 4, figs. 11 and 12).

9. Regarding **claim 27**, Wilde teaches a method as recited in claim 26, wherein the plurality of programs includes an operating system (col. 3, lines 41 – 64, col. 8, lines 20 – 40).

10. Regarding **claim 28**, Wilde teaches a method as recited in claim 26, wherein the plurality of programs includes an application program (col. 3, lines 41 – 64: OS program, configuration program, col. 4, lines 46 – 60: edits the generic answer file to create a user-specific updated answer file, col. 8, lines 20 – 52).

11. Regarding **claim 29**, Wilde teaches a method as recited in claim 26, wherein the plurality of programs is performed by one of the plurality of programs (col. 3, lines 41 – 64: configuration program).

12. Regarding **claim 30**, Wilde teaches the method as recited in claim 26, wherein the accessing comprises communicating information requests to an interface that supports one or more of reading data from the record, writing data to the record, and modifying data in the record (col. 2, lines 38 – 67, col. 4, lines 1 - 10).

13. Regarding **claim 31**, Wilde teaches the method as recited in claim 26, wherein the accessing comprises accessing the record from a local source (col. 2, lines 7 – 15, col. 8, lines 20 – 40: enter login and password at the workstation).

14. Regarding **claim 32**, Wilde teaches the method as recited in claim 26, wherein the accessing comprises accessing the record from a remote source (col. 2, lines 38 – 49: obtain the user information from the server).

15. **Claims 33 – 37, and 39 - 44** are rejected on the same ground as stated above.

16. Regarding **claim 45**, Wilde teaches the method as recited in claim 41, wherein the record of user information is stored locally with the plurality of programs (col. 2, lines 11 – 24: download certain files and programs from the server, col. 2, lines 38 – 46: answer files reside in memory on the server).

17. Regarding **claim 46**, Wilde teaches the method as recited in claim 41, wherein the record of user information is stored remotely from the plurality of programs (col. 2, lines 11 – 24: download certain files and programs from the server to workstation, col. 2, lines 38 – 46: answer files reside in memory on the server)

18. Regarding **claim 47**, Wilde teaches one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors of a computer, causes the one or more processor to:

obtain, over a network when the computer is initially booted, a record of user information describing a user (col. 3, lines 41 - 65); and

automatically customize an operating system installed on the computer based on the obtained user information (col. 3, lines 41 - 65).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilde et al (US 6,066,182, hereinafter Wilde) as applied to claim 47 above, in view of Beelitz et al. (US Pat 6,182,275, hereinafter Beelitz).

21. Regarding **claim 48**, Wilde did not teach the network comprises the Internet. Nevertheless, this feature is taught in Beelitz in col. 4, lines 18 – 26, where a wide area network such as the internet is used.

It would have been obvious for one of ordinary skill in the art, at the time the invention was made to incorporate this feature to Wilde's system so that a variety of network can be available for use.

22. Claims 1 – 7, 11 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilde et al (US 6,066,182, hereinafter Wilde) in view of Colligan et al (US 6,298,443, hereinafter Colligan).

23. Regarding **claim 1**, Wilde teaches a method comprising:  
receiving information about a prospective user of an operating systems, wherein the information includes user preferences for multiple different pieces of hardware of the computer (abstract, col. 6, line 63 – col. 7, line 9, col. 10, lines 34 - 49); and

personalizing operating system for an installation (col. 3, lines 41 – 64).

Wilde however did not teach the limitation developing the operating systems image, pre-populated with the information. Colligan teaches the step of creating software image that is based on the specific customer's order (col. 7, line 1 – 6).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to combine the teachings of Wilde and Colligan for automatically installing personalized operating systems and eliminating the manual process (Wilde: col. 4, line 66 – col. 5, line 3).

24. Regarding **claim 2**, Wilde teaches the method as recited in claim 1, wherein the information comprises data describing the identity of the prospective user (col. 7, lines 2 – 9, col. 10, lines 34 - 49).

25. Regarding **claim 3**, Wilde teaches the method as recited in claim 1, wherein the information comprises one or more of the user's name, initials, street address, state of residence, country of citizenship, electronic mail (email) address, age, social security number, date of birth, profession, hobbies, interests, and computer expertise (col. 7, lines 2 – 9, col. 10, lines 34 - 49).

26. Regarding **claim 4**, Wilde teaches the method as recited in claim 1, wherein the information comprises data describing hardware preferences of the prospective user (col. 7, lines 2 – 9, col. 10, lines 34 – 49, col. 16, lines 29 - 35).



27. Regarding **claim 5**, Wilde teaches the method as recited in claim 1, wherein the receiving comprises receiving information in response to one or more requests for information targeted at a consumer (abstract, col. 6, line 63 – col. 7, line 9, col. 10, line 34 – col. 11, line 3).

28. Regarding **claim 6**, Wilde teaches the method as recited in claim 5, wherein the consumer is the prospective user (abstract, col. 6, line 63 – col. 7, line 9, col. 10, line 34 – col. 11, line 3).

29. Regarding **claim 7**, Wilde did not teach the additional limitation as claimed. Nevertheless, Colligan teaches the method as recited in claim 5, wherein the requests are presented to the consumer when a computer with the operating system is ordered by the consumer (col. 7, lines 1 – 9, col. 9, line 63 – col. 10, line 7).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to combine the teachings of Wilde and Colligan to provide a personalized computer system base on the customer's specific order.

30. Regarding **claim 11**, Wilde teaches the method as recited in claim 1, further comprising storing the information in a bill of materials (col. 12, lines 8 - 16: maintain users' profile).

31. Regarding **claim 12**, Wilde teaches the method as recited in claim 11, further comprising making the information in a bill of materials available to other application programs (col. 3, lines

41 – 64: OS program, configuration program, col. 4, lines 46 – 60: edits the generic answer file to create a user-specific updated answer file, col. 8, lines 20 – 52).

32. Regarding **claim 14**, Wilde teaches the method as recited in claim 1, wherein the operating system is organized as a plurality of components, and wherein one the plurality of components is an identity component that includes the information (figs. 1, 2, 4 and 7).

33. Regarding **claim 15**, Wilde teaches a method comprising:

receiving information about a prospective user of an operating system (abstract, col. 6, line 63 – col. 7, line 9, col. 10, lines 34 - 49);

personalizing operating system for an installation (col. 3, lines 41 – 64);

wherein the operating system is organized as a plurality of components, and wherein one of the plurality of components is an identity component that includes the information (fig. 1, 2, 4 and 7); and

wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information (col. 3, lines 41 – 64: OS program, configuration program, col. 4, lines 46 – 60: edits the generic answer file to create a user-specific updated answer file, col. 8, lines 20 – 52, col. 9, line 66 – col. 10, line 4, figs. 11 and 12).

Wilde however did not teach the limitation developing the operating systems image, pre-populated with the information. Colligan teaches the step of creating software image that is based on the specific customer's order (col. 7, line 1 – 6).

It would have been obvious for one of an ordinary skill in the art, at the time the invention was made to combine the teachings of Wilde and Colligan for automatically installing personalized operating systems and eliminating the manual process (Wilde: col. 4, line 66 – col. 5, line 3).

34. Regarding **claim 18**, Wilde teaches the method as recited in claim 17, wherein the automatically customizing comprises automatically customizing the operating system prior to distribution of the computer to the user (col. 7, line 66 – col. 8, line 40).

35. Regarding **claim 19**, Wilde teaches the method as recited in claim 17, wherein the automatically customizing comprises automatically customizing the operating system during an initial boot of the computer (col. 3, lines 42 – 65, col. 7, line 66 – col. 8, line 40).

36. Regarding **claim 22**, Wilde teaches the method as recited in claim 17, wherein the automatically customizing comprises determining, based at least in part on the received information, what functionality of the operating system to install on the computer (col. 2, lines 3 – 24, col. 3, lines 41 – 65, col. 6, lines 32 - 46).

37. **Claims 13, 16, 17, 20, 21, and 23 - 25** are rejected on the same ground as stated above.

38. Claims 8 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilde et al (US 6,066,182, hereinafter Wilde) in view of Colligan et al (US 6,298,443, hereinafter Colligan)

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as applied to claim 1 above, and further in view of Beelitz et al. (US Pat 6,182,275, hereinafter Beelitz).

39. Regarding **claims 8 and 9**, Wilde and Colligan did not teach the receiving comprises obtaining the information from a computer used by a consumer to order a new computer with the operating system. Nevertheless, this limitation is shown in Beelitz in which customer can place an order to buy a computer system via a user interface of a computer terminal 105 to provide the manufacture with his/her information of the selected choice (col. 4, line 10 – col. 5, line 35).

It would have been obvious for one of ordinary skill in the art, at the time the invention was made, to incorporate the teaching of Beelitz to Wilde and Colligan to manufacture a targeted computer system as per the selections made by the user via computer terminal 105 (col. 5, lines 6 – 35).

***Allowable Subject Matter***

40. **Claims 10 and 49** are allowed.

***Response to Amendment***

41. Applicant's amendments filed on 12/23/03 have been considered but are moot in view of the new ground of rejections.

*Conclusion*

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo  
Examiner  
Art Unit 2127

lv  
February 4, 2004

  
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